

**NOT FOR PUBLICATION**

**AUG 11 2006**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

MARCO ANTONIO DURAN  
AURIOLLES; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 06-71207

Agency Nos. A75-721-225  
A75-721-226  
A78-111-910  
A78-111-911

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted August 7, 2006<sup>\*\*</sup>

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit Judges.

Respondent's unopposed motion to dismiss this petition for review is construed as a motion to dismiss in part and a motion for summary disposition in part. So construed, respondent's motion for summary disposition in part is granted

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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with regard to petitioners Marco Antonio Duran Duran and Victor Hugo Duran Duran because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied with regard to petitioners Marco Antonio Duran Duran and Victor Hugo Duran Duran. *See* 8 USC § 1229b(b)(1)(A), (D).

Respondent's unopposed motion to dismiss this petition for review in part with regard to petitioners Maria Elsa Duran Nieves and Marco Antonio Duran Auriolos for lack of jurisdiction is granted. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED in PART and DISMISSED in PART.**